

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF TENNESSEE  
NASHVILLE DIVISION

MICHAEL DONNELL PARKER	)	
	)	
v.	)	No. 3:12-0661
	)	JUDGE CAMPBELL
UNITED STATES OF AMERICA	)	

ORDER

Pending before the Court is the Magistrate Judge's Report And Recommendation (Docket No. 27) recommending that the Court grant the Respondent's Motion To Dismiss (Docket No. 14); deny the Petitioner's Motion To Vacate (Docket No. 1); and deny the issuance of a certificate of appealability as to Petitioner's claims. The Petitioner has filed Objections (Docket No. 30) to the Report and Recommendation, and the Respondent has filed a Reply (Docket No. 31).

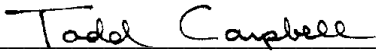
The Court has independently reviewed the Magistrate Judge's determinations, the Petitioner's objections, the Respondent's reply, and the entire record. The Defendant's objections are without merit and overruled. The Report and Recommendation is ADOPTED and APPROVED in its entirety. Accordingly, Respondent's Motion To Dismiss (Docket No. 14) is GRANTED, and the Petitioner's Motion To Vacate (Docket No. 1) is DENIED and this case is DISMISSED.

This Order shall constitute the judgment in this case pursuant to Fed. R. Civ. P. 58.

Should the Petitioner give timely notice of an appeal from this Order, such notice shall be treated as a application for a certificate of appealability, 28 U.S.C. 2253(c), which will not issue because the Petitioner has failed to make a substantial showing of the denial of a constitutional

right. Castro v. United States, 310 F.3d 900 (6th Cir. 2002).

It is so ORDERED.

  
\_\_\_\_\_  
TODD J. CAMPBELL  
UNITED STATES DISTRICT JUDGE